II. REMARKS

The Examiner is requested to reconsider the application in view of the foregoing amendment and the following remarks, in connection with the request for continued examination filed herewith. Generally, it is believed that the amendment adds no new matter.

In response to the Office Action mailed 02/03/2010, please enter the amendment and reconsider the application. It is believed that the amendment adds no new matter.

Applicant respectfully requests an interview.

In the Office Action, claims 1-5, 17-19, 28, 29, 31, 32, 33, 35, 36, 47, 48, and 50-58 are rejected under 35 U.S.C. 103(a). The Examiner contends that these claims are unpatentable over Wilcox et al. (hereinafter Wilcox) U.S. Patent 7,072,851 in view of NPL The Banks Fight Back by Co-Opting Cobranding (hereinafter Wells Fargo) in further view of Forward U.S. Patent 6,578,011.

In the Office Action, claims 7, 8, 38, and 39 are rejected under 35 U.S.C. 103(a). The Examiner contends that these claims are unpatentable over Wilcox et al. (hereinafter Wilcox) U.S. Patent 7,072,851 in view of NPL The Banks Fight Back by Co-Opting Cobranding (hereinafter Wells Fargo) in further view of Forward U.S. Patent 6,578,011 and in further view of Atkins U.S. Patent 5,644,727.

In the Office Action, claims 9-15, and 40-46 are rejected under 35 U.S.C. 103(a). The Examiner contends that these claims are unpatentable over Wilcox et al. (hereinafter Wilcox) U.S. Patent 7,072,851 in view of NPL The Banks Fight Back by Co-Opting Cobranding (hereinafter Wells Fargo) in further view of Forward U.S. Patent 6,578,011 in view of Atkins U.S. Patent 4,953,085.

In the Office Action, claims 16 and 23 are rejected under 35 U.S.C. 103(a). The Examiner contends that these claims are unpatentable over Wilcox et al. (hereinafter Wilcox)

U.S. Patent 7,072,851 in view of NPL The Banks Fight Back by Co-Opting Cobranding (hereinafter Wells Fargo) in further view of Forward U.S. Patent 6,578,011 in view of Ogilvie U.S. Patent 6,631,358.

In the Office Action, claims 20-22 are rejected under 35 U.S.C. 103(a). The Examiner contends that these claims are unpatentable over Wilcox et al. (hereinafter Wilcox) U.S. Patent 7,072,851 in view of NPL The Banks Fight Back by Co-Opting Cobranding (hereinafter Wells Fargo) in further view of Forward U.S. Patent 6,578,011.

In the Office Action, claims 24 and 49 are rejected under 35 U.S.C. 103(a). The Examiner contends that these claims are unpatentable over Wilcox et al. (hereinafter Wilcox) U.S. Patent 7,072,851 in view of NPL The Banks Fight Back by Co-Opting Cobranding (hereinafter Wells Fargo) in further view of Forward U.S. Patent 6,578,011 in view of Oppenheimer U.S. Patent 5,983,206.

In response, the rejections are respectfully traversed as improper for failure to set out a prima facie case of obviousness, as is more particularly set out below.

With respect to claims 1-24, 28, 33-46, 50-56,m 57/21, 57/22, and 58/33, the rejection is improper as regards positive reciting a claim element. However, to advance prosecution, Applicant has amended the claims to advance the positive reciting of the allocation instruction selected from among a group presented to the cardholder, the group…. Accordingly the rejection is believed to also be moot. Reconsideration is respectfully requested.

With respect to claims 25-27, 29, 57/25, and 57/29, Applicant maintains that the cited art fails to teach "by associating the cardholder file with a mortgage file". What the Examiner deems as analogous is not a teaching of the claim element in connection with the claim as a whole. Forward does not teach or suggest this claim element, and the deeming of this element as analogous is prima facie evidence of obviousness of a claim as a whole.

With respect to claims 30, 31, and 49, Applicant maintains that the cited art fails to teach "… a function responsive to card activity, to a mortgage payment so as to produce a mortgage interest rate deduction computed for the year. Forward's manner of incentive, as best as it is understood, would not qualify for a mortgage interest rate deduction computed for the year; nor would Forward's manner of incentive qualify for a mortgage tax deduction. The Office Action fails to explain how the incentive would qualify, which is a PTO burden in establishing a prima facie case of obviousness. Further, contrary to the Office Action, the element is positively recited.

With respect to claims 47, 48, and 58/47, Applicant maintains that the cited art does not teach or suggest the use of third party computers as claimed in connection with each claim as a whole. The Examiner may be aware generally of a third party computer separately, but that is insufficient for a showing of obviousness for each claim as a whole.

With respect to the present application, the Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer, if any, and the prior art that it was made to avoid, may need to be revisited. Nor should a disclaimer, if any, in the present application be read back into any predecessor or related application.

Applicant requests an interview.

However, the application, as amended, is believed to be in condition for allowance, and favorable action is requested.

III. CONCLUSION

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed to reply to said office action, this shall be deemed a petition therefor.

If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

Respectfully submitted,

Date: August 3, 2010

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